

In re: Phibbs et al.  
Serial No. 09/747,514  
Filed: December 21, 2000  
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### Remarks

Applicants appreciate the consideration of the present application as evidenced by the final Office Action dated September 9, 2003 and the Advisory Action dated November 21, 2003. Claims 1-3 and 5-9 are pending in the present application. Claims 1-3, 8 and 9 stand rejected. Claims 5-7 have been objected to in the Final Action.

In the Advisory Action, the Examiner states that the Amendment After Final submitted on October 31, 2003 does not place the application in condition for allowance further stating that the Declaration under 37 C.F.R. § 1.131 is not proper. Applicants submit herewith a **Declaration of Paul V. Phibbs, Jr., Ph.D., David N. Collier, M.D., Ph.D. and Paul W. Hager, Ph.D. Under 37 C.F.R. § 1.131** signed by all the named inventors on the above-identified application.

In view of the amendments and remarks presented in the Amendment After Final submitted on October 31, 2003 and the remarks and revised Declaration Under 37 C.F.R. § 1.131 submitted herewith, Applicants respectfully request that all outstanding rejections and objections to the specification and claims be withdrawn and that a Notice of Allowance be issued in due course. Any questions that the Examiner may have should be directed to the undersigned, who may be reached at (919) 854-1400.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully submitted,



Shawna Cannon Lemon  
Registration No. 53,888

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### **CERTIFICATE OF EXPRESS MAILING**

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Susan E. Freedman  
Date of Signature: